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September 15, 2017

VIA ECF

Honorable Loretta A. Preska
United States District Judge
United States District Court
for the Southern District of New York
500 Pearl Street
New York, New York 11201

Re: Stephanie Johnson v. City of New York, et al.
16 CV 9561 (LAP)

Your Honor:

I am the Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department, assigned to represent defendant City of New York in the above-referenced matter. This office writes to respectfully request an extension of time within which to conduct the required mediation in this matter pursuant to Local Rule 83.10 from September 17, 2017 to and including October 17, 2017. Plaintiff's counsel, Brett Klein, Esq., consents to the requested enlargement.

Pursuant to Local Rule 83.10, the parties are required to conduct mediation in all 1983 Plan case within 100 days after defendant files its answer, which is currently August 17, 2017. During that period, the parties must exchange limited discovery.

In this matter, where there was no arrest, the City needs the additional time to identify the officers involved in the Complaint, which alleges that plaintiff was subject to excessive force and failure to intervene by members of the New York City Police Department on February 5, 2016. The City has gotten the list of officers who were working in the precinct at the time of the incident and are contacting the officers to see which ones may have responded to the incident. Further, the City has sent the list to plaintiff in hopes plaintiff recognizes one of the names of the list to aid in the search. The parties cannot engage in meaningful settlement discussions without knowing the identity of the officers involved in the incident. Therefore the city needs the additional time to identify the officers and produce their relevant disciplinary records.

For the foregoing reasons, the City respectfully requests that the Court enlarge the time the parties are required to conduct mediation in this matter from September 17, 2017 to and including October 17, 2017.

Thank you for your consideration herein.

Respectfully submitted,



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Assistant Corporation Counsel
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cc: Brett Klein Esq. (via ECF)
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